

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

CASE NO.: 5:09-CR-216-8FL

UNITED STATES OF AMERICA)
)
)
vs.) MOTION TO EXCEED FINANCIAL
) CAP FOR INVESTIGATIVE
ZIYAD YAGHI,) SERVICES
)
)
Defendant.)

NOW COMES the Defendant, by and through the undersigned counsel, and moves this Honorable Court to be allowed to exceed the financial cap for investigative services, and in support of said Motion, shows unto the Court as follows:

1. The defendant was indicted on July 22, 2009, and the undersigned was appointed as counsel on July 28, 2009. Ziyad Yaghi is charged in two counts out of a seven count indictment with conspiracy to commit violence abroad and conspiracy to provide terroristic support. The indictments essentially allege that Yaghi was a supporter and follower of Daniel Boyd, aka Safiullah who wished to recruit, train and supply jihadist volunteers to various foreign terroristic groups.

2. As part of the defendant's defense it is important to show that the defendant's pursuits and conversation have never been of a terroristic nature. To that end certain witnesses have been identified and require interviews in preparation of the defendant's defense. It is far more efficient for a trained investigator to conduct interviews and provide the interview reports to counsel for ultimate presentation of the witness in court, where the report of interview will be used as a basis for the courtroom testimony.

3. To satisfy this requirement, the undersigned has been using a retired FBI agent to conduct potential witness interviews. Such interviews are local as those being interviewed are primarily in the Research Triangle area. Nonetheless, to date the investigator has interviewed several witnesses and has three additional persons available for interview. As such, the bill for just the interviews conducted to date exceeds \$500, although the undersigned is not aware of the exact amount the investigator will bill for the actions he has taken to date.

4. It is requested that this court allow the defense to exceed the cap on investigative services in this case, as it is obvious there will be a great many things undertaken by the defense where an investigator will be utilized. As each bill submitted will be itemized and describe the actions taken, there will be adequate opportunity to review the bill and only pay such bills if they are proper. By approval of this motion, the investigator can request payments when his next round of interviews are complete.

WHEREFORE, for all of the foregoing reasons it is requested that the cap on investigative services be lifted and the defense investigator for Ziyad Yaghi be permitted to file interim bills.

Respectfully submitted this 26th day of March, 2010.

s/J. Douglas McCullough
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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that he has this day served a copy of the foregoing pleading upon the following parties to this case by depositing a copy of the same in the United States mail bearing sufficient postage or electronically as indicated:

Via CM/ECF to the following:

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This 26th day of March, 2010.

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